

EXHIBIT K

From: Wharton, Jake <Jacob.Wharton@wbd-us.com>
Sent: Tuesday, August 27, 2024 6:55 PM
To: Toaltoan, Danielle; Wooten, JD
Cc: Dority, James; Gutierrez, Adrianna; Sumonu, Lekan; Christopher B. Dodd; Elings, G. Roxanne; Tyson, Latoya
Subject: Re: Document Production: Meet & Confer
Attachments: FW_ More documents produced by Rena Chen that should have been produced by Defendants.zip; R.CHEN_00002206.pdf; R.CHEN_00002209.pdf; R.CHEN_00002206.pdf

[EXTERNAL]

Counsel:

We are available tomorrow between 3:30 and 5:00 PM EDT to meet. We would like to discuss Defendants' failure to produce responsive non-privileged documents. As we review the documents produced by Rena Chen, we are finding more and more documents that originated with or were sent to Defendants that should have been produced. I believe we have provided some examples already, but I am attaching several here to help frame the issue. In particular, we are finding documents that would have put Plaintiff on notice of the infringing trade dress much earlier than August 2024, when Plaintiff had to learn of the infringing trade dress from a third party. However, the missing and unproduced documents go beyond that issue. Also troubling is the fact that Defendants represented to Plaintiff **and to the Court** that it had substantially completed its document production.

By way of further update to my earlier communications of August 16 and 23, and the productions made on August 25 and 27, Plaintiff anticipates completing its document production by no later than Friday, August 30, 2024. As previously indicated, Plaintiff will formally supplement Interrog. No. 7 as indicated to identify the two additional documents recently produced that provide responsive information (both of which were used in today's deposition of Mr. Chodorow/Sacks). If you believe we still need to meet and confer on Plaintiff's document production, we can discuss that at our next meeting.

If you are not available tomorrow from 3:30 to 5:00 PM EDT, please let us know and we will find an alternative time to meet.

Jake

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From: Wharton, Jake <Jacob.Wharton@wbd-us.com>
Sent: Tuesday, August 27, 2024 9:33 AM
To: Toaltoan, Danielle <Danielle.Toaltoan@dwt.com>; Wooten, JD <JD.Wooten@wbd-us.com>
Cc: Dority, James <James.Dority@wbd-us.com>; Gutierrez, Adrianna <Adrianna.Gutierrez@dwt.com>; Sumonu, Lekan <Osumonu@dwt.com>; Christopher B. Dodd <CDodd@BrooksPierce.com>; Elings, G. Roxanne <Roxanne.Elings@dwt.com>; Tyson, Latoya <LatoyaTyson@dwt.com>
Subject: Re: Document Production: Meet & Confer

Danielle,

We are look for available times on Wednesday or later for a meet and confer and we expect to propose them later today.

Jake

Jake Wharton

Partner

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From: Toaltoan, Danielle <DanielleToaltoan@dwt.com>

Sent: Monday, August 26, 2024 6:38 PM

To: Wooten, JD <JD.Wooten@wbd-us.com>

Cc: Wharton, Jake <Jacob.Wharton@wbd-us.com>; Dority, James <James.Dority@wbd-us.com>; Gutierrez, Adrianna <AdriannaGutierrez@dwt.com>; Sumonu, Lekan <Osumonu@dwt.com>; Christopher B. Dodd <CDodd@BrooksPierce.com>; Elings, G. Roxanne <RoxanneElings@dwt.com>; Tyson, Latoya <LatoyaTyson@dwt.com>

Subject: RE: Document Production: Meet & Confer

JD,

We can meet and confer on this. I also requested a meet and confer with your team regarding deficiencies in Plaintiff's document production. I suggest we plan for a meeting that deals with your email below and Jake's letters, sent on Aug. 23 (i.e., the letter regarding Plaintiff's discovery responses and the letter claiming deficiencies by Defendants). What is your availability Wednesday?

Best,

--Danielle

Danielle Toaltoan She/Her/Hers
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DWT.COM

From: Wooten, JD <JD.Wooten@wbd-us.com>

Sent: Monday, August 26, 2024 5:12 PM

To: Tyson, Latoya <LatoyaTyson@dwt.com>; Elings, G. Roxanne <RoxanneElings@dwt.com>; Toaltoan, Danielle <DanielleToaltoan@dwt.com>; Gutierrez, Adrianna <AdriannaGutierrez@dwt.com>; Sumonu, Lekan <Osumonu@dwt.com>; David Sar <DSAR@brookspierce.com>; Christopher B. Dodd <CDodd@BrooksPierce.com>

Cc: Wharton, Jake <Jacob.Wharton@wbd-us.com>; Dority, James <James.Dority@wbd-us.com>

Subject: RE: Document Production: Meet & Confer

[EXTERNAL]

Counsel:

Our review is ongoing and this response does not reflect all documents that we may discover to be problematic.

However, the documents referenced below include Ms. Chen's documents ending in 8650, 8653, 8655. These document also reveal a slide deck showing the trade dress infringing packaging which neither Defendants nor Ms. Chen produced.

Thanks,
JD

From: Tyson, Latoya <LatoyaTyson@dwt.com>

Sent: Monday, August 26, 2024 5:02 PM

To: Wooten, JD <JD.Wooten@wbd-us.com>; Elings, G. Roxanne <RoxanneElings@dwt.com>; Toaltoan, Danielle <DanielleToaltoan@dwt.com>; Gutierrez, Adrianna <AdriannaGutierrez@dwt.com>; Sumonu, Lekan <Osumonu@dwt.com>; David Sar <DSAR@brookspierce.com>; Christopher B. Dodd <CDodd@BrooksPierce.com>

Cc: Wharton, Jake <Jacob.Wharton@wbd-us.com>; Dority, James <James.Dority@wbd-us.com>

Subject: RE: Document Production: Meet & Confer

Counsel:

Please provide the bates numbers for the documents that you reference in your email below.

Sincerely,
Latoya

Latoya Tyson She/Her/Hers

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From: Wooten, JD <JD.Wooten@wbd-us.com>

Sent: Monday, August 26, 2024 4:08 PM

To: Elings, G. Roxanne <RoxanneElings@dwt.com>; Toaltoan, Danielle <DanielleToaltoan@dwt.com>; Tyson, Latoya <LatoyaTyson@dwt.com>; Gutierrez, Adrianna <AdriannaGutierrez@dwt.com>; Sumonu, Lekan <Osumonu@dwt.com>; David Sar <DSAR@brookspierce.com>; Christopher B. Dodd <CDodd@BrooksPierce.com>

Cc: Wharton, Jake <Jacob.Wharton@wbd-us.com>; Dority, James <James.Dority@wbd-us.com>

Subject: Document Production: Meet & Confer

[EXTERNAL]

Counsel:

In reviewing the documents produced for Ms. Chen, we have discovered documents which unambiguously should have been produced by Defendants earlier in this case. We accepted Defendants' representations that Defendants' document production was substantially complete and that responsive documents had been produced, but that was not true. Further, we relied on those representations in making the joint statement to the Court last week that document production is substantially complete and that Plaintiff is not seeking to compel production of further documents. Unfortunately, that is now also a false statement.

In view of this turn of events, we need to meet and confer on (1) these missing documents, and (2) how to address this with the Court tomorrow in view of the fact that the joint statement is no longer accurate due to Defendants' misrepresentation and improper withholding of responsive documents.

JD

JD Wooten

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